

109TH CONGRESS  
2D SESSION

# H. R. 5161

To establish a commission to study the removal of Mexican-Americans to Mexico during 1929–1941, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2006

Ms. SOLIS (for herself, Mr. GUTIERREZ, Mr. BERMAN, Mr. HONDA, Mr. EMANUEL, Ms. MATSUI, Mr. LEWIS of Georgia, Ms. LEE, and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish a commission to study the removal of Mexican-Americans to Mexico during 1929–1941, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Commission on Mexi-  
5       can-American Removal during 1929–1941 Act”.

6       **SEC. 2. FINDINGS; PURPOSE.**

7       (a) FINDINGS.—Congress finds the following:

8               (1) From 1929 through 1941, Federal, State,  
9       and local Government authorities and certain private

1 sector entities throughout the United States under-  
2 took an aggressive program to forcibly remove indi-  
3 viduals of Mexican ancestry from the United States.

4 (2) As many as two million individuals of Mexi-  
5 can ancestry were forcibly removed to Mexico, as  
6 many as 1.2 million of whom were United States  
7 citizens.

8 (3) These men, women, and children were re-  
9 moved outside the United States in response to pub-  
10 lic pressure to curtail the employment of Mexican-  
11 Americans, most of whom were United States citi-  
12 zens or residing legally in the United States, during  
13 the Depression.

14 (4) Massive raids were conducted on Mexican-  
15 American communities, and many of the people who  
16 were removed were never able to return to the  
17 United States, their country of birth.

18 (5) These raids targeted individuals of Mexican  
19 ancestry, with Federal, State, and local Government  
20 authorities and certain private sector entities charac-  
21 terizing these individuals as “illegal aliens” even  
22 when such individuals were United States citizens or  
23 permanent legal residents.

24 (6) These raids also separated such United  
25 States citizens and permanent legal residents from

1       their families and deprived them of their livelihoods  
2       and constitutional rights.

3               (7) No official inquiry into this matter has been  
4       made.

5       (b) PURPOSE.—It is the purpose of this Act to estab-  
6       lish a fact finding commission to determine whether  
7       United States citizens and permanent legal residents were  
8       forcibly removed to Mexico from 1929 to 1941 in violation  
9       of law as a result of past directives of Federal, State and  
10      local governments and the impact of such removal on  
11      those individuals, their families, and the Mexican-Amer-  
12      ican community in the United States, and to recommend  
13      appropriate remedies.

14   **SEC. 3. ESTABLISHMENT OF COMMISSION.**

15       There is established a commission to be known as the  
16      “Commission on Mexican-American Removal during  
17      1929–1941”.

18   **SEC. 4. DUTIES OF THE COMMISSION.**

19       The Commission shall—

20               (1) review the facts and circumstances sur-  
21      rounding the removal of certain United States citi-  
22      zens and permanent legal residents to Mexico, and  
23      the impact of such actions on these individuals, their  
24      families, and the Mexican-American community in  
25      the United States;

- 1           (2) review past directives of Federal, State, and  
2           local governments that required the removal of these  
3           individuals to Mexico and any other information re-  
4           lated to these directives; and
- 5           (3) submit to Congress a written report of its  
6           findings and recommendations.

7   **SEC. 5. MEMBERSHIP.**

8           (a) **NUMBER AND APPOINTMENT.**—The Commission  
9           shall be composed of seven members, who shall be ap-  
10          pointed within 90 days after the date of the enactment  
11          of this Act as follows:

- 12           (1) Three members appointed by the President.
- 13           (2) Two members appointed by the Speaker of  
14           the House of Representatives, in consultation with  
15           the minority leader of the House of Representatives.
- 16           (3) Two members appointed by the President  
17           pro tempore of the Senate, in consultation with the  
18           minority leader of the Senate.

19          (b) **QUALIFICATIONS.**—Members appointed under  
20          subsection (a) shall possess knowledge or expertise related  
21          to human rights, civil rights, immigration, labor, business,  
22          or other pertinent qualifications.

23          (c) **TERM OF OFFICE.**—Each member shall be ap-  
24          pointed for the life of the Commission.

1 (d) QUORUM.—Four members of the Commission  
2 shall constitute a quorum, but a lesser number may hold  
3 hearings.

4 (e) INITIAL MEETING.—The initial meeting of the  
5 Commission shall be called by the President within one  
6 hundred and twenty days after the date of the enactment  
7 of this Act, or within thirty days after the date on which  
8 legislation is enacted making appropriations to carry out  
9 this Act, whichever is later.

10 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The  
11 Commission shall elect a chairperson and vice chairperson  
12 from among its members. The term of office of each shall  
13 be for the life of the Commission.

14 (g) VACANCIES.—A vacancy in the Commission shall  
15 not affect its powers and shall be filled in the same man-  
16 ner in which the original appointment was made.

17 (h) BASIC PAY.—

18 (1) RATE OF PAY.—Each member of the Com-  
19 mission who is not otherwise employed by the United  
20 States shall receive compensation at a rate equal to  
21 the daily rate prescribed for level IV of the Execu-  
22 tive Schedule under section 5315 of title 5, United  
23 States Code, for each day, including travel time,  
24 such member is engaged in the actual performance  
25 of the duties of the Commission.

1           (2) PROHIBITION OF COMPENSATION OF FED-  
2       ERAL EMPLOYEES.—A member of the Commission  
3       who is a full-time officer or employee of the United  
4       States may not receive additional pay, allowances, or  
5       benefits by reason of their service on the Commis-  
6       sion.

7           (3) TRAVEL EXPENSES.—Each member of the  
8       Commission shall receive travel expenses, including  
9       per diem in lieu of subsistence, in accordance with  
10      sections 5702 and 5703 of title 5, United States  
11      Code.

12 **SEC. 6. POWERS.**

13       (a) HEARINGS.—

14           (1) IN GENERAL.—The Commission or on the  
15      authorization of the Commission, any subcommittee  
16      or member thereof, may for the purpose of carrying  
17      out this Act, hold hearings, sit and act at times and  
18      places, take testimony, and receive evidence as the  
19      Commission or any subcommittee or member con-  
20      siders appropriate.

21           (2) LOCATION.—The Commission may hold  
22      public hearings in any city of the United States that  
23      it finds appropriate.

24       (b) SUBPOENA POWER.—

1           (1) IN GENERAL.—The Commission may issue  
2 subpoenas requiring the attendance and testimony of  
3 witnesses and the production of any evidence relat-  
4 ing to any matter under investigation by the Com-  
5 mission which the Commission is empowered to in-  
6 vestigate by this Act.

7           (2) FAILURE TO OBEY A SUBPOENA.—If a per-  
8 son refuses to obey a subpoena issued under para-  
9 graph (1), the Commission may apply to a United  
10 States district court for an order requiring that per-  
11 son to appear before the Commission to give testi-  
12 mony, produce evidence, or both, relating to the  
13 matter under investigation. The application may be  
14 made within the judicial district where the hearing  
15 is conducted or where such person is found, resides,  
16 or transacts business. Any failure to obey the order  
17 of the court may be punished by the court as civil  
18 contempt.

19           (3) SERVICE OF SUBPOENA.—A subpoena of  
20 the Commission shall be served in the manner pro-  
21 vided for subpoenas issued by a United States dis-  
22 trict court under the Federal Rules of Civil Proce-  
23 dure for the United States district courts.

24           (4) SERVICE OF PROCESS.—All process of any  
25 court to which application is made under paragraph

1       (2) may be served in the judicial district in which  
2       the person required to be served resides or may be  
3       found.

4       (c) OBTAINING OFFICIAL DATA.—The Commission  
5       may secure directly from any department or agency of the  
6       United States, or from any State or local government, in-  
7       formation necessary to enable it to carry out this Act.  
8       Upon request of any member, the head of such department  
9       or agency shall furnish such information to the Commis-  
10      sion.

11      (d) CONTRACT AUTHORITY.—To the extent or in the  
12      amounts provided in advance in appropriation Acts, the  
13      Commission may contract with and compensate govern-  
14      ment and private agencies or persons for any services, sup-  
15      plies, or other activities necessary to enable the Commis-  
16      sion to carry out its duties under this Act.

17      **SEC. 7. STAFF.**

18      (a) IN GENERAL.—The Commission may appoint and  
19      fix the pay of such additional staff as it considers appro-  
20      priate.

21      (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
22      LAWS.—Any staff of the Commission may be appointed  
23      without regard to the provisions of title 5, United States  
24      Code, governing appointments in the competitive service,  
25      and may be paid without regard to the provisions of chap-



1 ter 51 and subchapter III of chapter 53 of such title relat-  
2 ing to classification and General Schedule pay rates.

3 (c) EXPERTS AND CONSULTANTS.—The Commission  
4 may procure temporary and intermittent services under  
5 section 3109(b) of title 5, United States Code.

6 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon re-  
7 quest of the Commission, the Administrator of General  
8 Services shall provide to the Commission, on a reimburs-  
9 able basis, the administrative support services necessary  
10 for the Commission to carry out its duties under this Act.

11 **SEC. 8. REPORT.**

12 The Commission shall submit to Congress a written  
13 report not later than the date which is one year after the  
14 date of the initial meeting called pursuant to section 5(d)  
15 of this Act. The report shall contain a detailed statement  
16 of the findings and conclusions of the Commission, to-  
17 gether with its recommendations for legislative actions  
18 that the Commission considers appropriate.

19 **SEC. 9. TERMINATION.**

20 The Commission shall terminate 30 days after sub-  
21 mitting the report under section 8.

22 **SEC. 10. DEFINITIONS.**

23 In this Act:

1           (1) COMMISSION.—The term “Commission”  
2 means the Commission on Mexican-American Re-  
3 moval during 1929–1941.

4           (2) MEMBER.—The term “member” means a  
5 member of the Commission.

6           (3) STATE.—The term “State” means any  
7 State of the United States, the District of Columbia,  
8 the Commonwealth of Puerto Rico, and any other  
9 commonwealth, possession, or territory of the United  
10 States.

